

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

Malyk Mendez

Defendant(s)

Case No.

1:23-mj-0792-KMB

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 4, 2022 in the county of Marion in the
Southern District of Indiana, the defendant(s) violated:

Code Section

18 U.S.C. §§ 922(j) and 371

Offense Description

Conspiracy to receive, possess, store, or sell stolen firearms

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

s/ David McDaniel

Complainant's signature

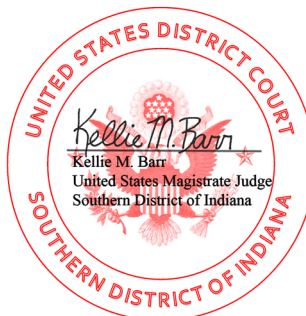
David McDaniel, TFO ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by
(reliable electronic means)

Date: October 6, 2023

City and state: Indianapolis, IN



AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

1. Your Affiant, David McDaniel, is a Task Force Officer (TFO) with the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a component of the United States Department of Justice, and has served in that capacity since 2008. Your Affiant is currently assigned to the Indianapolis Group I Field Office – Achilles Task Force and is charged with investigating violations of federal firearms, explosives, and arson laws, as well as offenses enumerated in Titles 18 and 26 of the United States Code. Your Affiant is a Detective for the Indianapolis Metropolitan Police Department (IMPD) and has been employed with IMPD since November 1995.

2. As a law enforcement officer, your Affiant has participated in investigations involving homicides, aggravated batteries, serious violent felons, firearms, drug trafficking, robberies, and financial crimes, among other matters. Your Affiant has also testified in judicial proceedings and prosecutions for violations of comparable state law. Your Affiant received their initial training at the Indianapolis Metropolitan Police Department Academy in 1995. Your Affiant has satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4-5. Your Affiant has completed Basic Detective School through the Indianapolis Police Department and has attended various narcotics trainings both locally and through the United States Department of Justice. Your Affiant has received Quarterly Firearms Training (held in Indianapolis) and yearly in-service training (held in Indianapolis).

3. This affidavit is submitted in support of a criminal complaint charging Malyk MENDEZ (date of birth XX/XX/93) with conspiracy to receive, possess, store, or sell stolen firearms in violation of Title 18 U.S.C. §§ 922(j) and 371.

4. The information contained in the below numbered paragraphs is either personally known to your Affiant or told to your Affiant by other law enforcement officers.

II. FACTS IN SUPPORT OF PROBABLE CAUSE

5. On February 28, 2022, a shipment of firearms was being shipped from Big Rock Sports LLC, Sauk Rapids, MN to be delivered to Palmetto State Armory, Columbia, SC. The shipment was shipped by commercial shipping company Holland/Yellow Freight (HYF), located 2530 S. Tibbs Ave, Indianapolis, IN 46241. Holland is branded under "Yellow Freight."

6. The shipment of firearms arrived at the Indianapolis terminal and were last accounted for on March 1, 2022. The shipment was then sent to South Carolina, and on March 2, 2022, arrived as missing/stolen according to Yellow Freight documents. Stolen from this shipment were as follows:

- 10-Taurus, model 856, .38 caliber revolvers
- 25-Armscor of the Philippines, model 1911, 9mm semi-automatic handguns
- 8-Armscor of the Philippines, model Rock Ultra, 10mm semi-automatic
- 37-Armscor of the Philippines, model 1911, .45 caliber ACP semi-automatic handguns

7. Between March 2 to 4, 2022, another shipment was being shipped from Big Rock Sports LLC, Sauk Rapids, MN to be delivered to Palmetto State Armory, Columbia, SC. That shipment arrived at the Indianapolis Yellow Freight terminal on March 7, 2022, and arrived partially complete in Southern Carolina on March 8, 2022. Several cartons of Ruger bolt action rifles from this shipment were found in Indianapolis facility hidden within other unrelated shipments on a trailer that they were not to be on. Stolen from this shipment are as follows:

- 46-Sig Sauer, model 320CA-9-M18-MS P320, 9mm semi-automatic handguns.

8. On March 23, 2022, FN America LLC, Columbia, SC, shipped 14-pallets of firearms that were to eventually be delivered to FN America LLC-C/O Browning Firearm. The 14 pallets arrived at the Indianapolis terminal and were last accounted for on March 24, 2022, at 9:33pm. The 14 pallets were believed to have left the Indianapolis terminal and were being shipped to Edwardsville, Illinois, while in transit to FN America LLC C/O Browning Firearm. On March 25, 2022, at 10:23am, the shipment arrived at the facility in Edwardsville, Illinois. Upon arrival, it was found that only 10 of the 14 pallets had arrived, leaving 4 missing. One of the missing pallets was delivered to a terminal in Buffalo, NY. That pallet contained FN model SCAR 20S NRCH, 7.62x51 mm semi-automatic rifles. Upon inventory, it was found that 5 rifles were missing from the pallet. Two had been removed from the manufacturer's box, and three were missing with boxes. The other 3 pallets contained FN handguns. Stolen from this shipment were:

- 96-FN, model 509C NMS FDE/FD, 9mm semi-automatic handguns
- 5 FN model SCAR 20S NRCH, 7.62x51 mm semi-automatic rifles

9. A fourth shipment was later also determined to have been stolen from Yellow Freight in Indianapolis, Indiana sometime in January 2022. That shipment left Minnesota on January 11, 2022, and arrived at its final destination in Lexington, Kentucky on January 19, 2022. Upon arrival, it was found that 13 firearms were stolen from that shipment. Those firearms were:

- 3 Armscor of the Philippines .38 caliber revolvers
- 2 Heritage Mfg. Inc .22 caliber revolvers
- 1 Kahr Arms- Auto Ordnance .45 caliber 1911 pistol
- 1 Canik55 9mm pistol

- 1 9mm Taurus pistol
- 5 Glock model 45 9mm pistols

10. During the course of the investigation, investigators learned Bruce Williams, an employee of Yellow Freight, was involved in stealing the firearms. On April 18, 2023, a federal grand jury indicted Williams for violations of 18 U.S.C. §§ 922(j) and 371, conspiracy to receive, possess, store, or sell stolen firearms, and 18 U.S.C. § 922(g)(1), possession of firearms by a felon in the Southern District of Indiana, cause 1:23-cr-0053-JMS-MJD-01.

11. On March 30, 2023, law enforcement obtained a federal search warrant for Williams' Facebook account in cause 1:23-mj-212-TAB. Later returns from that search warrant showed numerous photographs of stolen firearms on Williams' account, and efforts by Williams to sell the firearms to other persons.

14. A review of Williams' Facebook messages showed conversations regarding the stolen firearms between Williams and an individual using the name "Millz Mendez."¹ For example, on March 4, 2022, Williams, who went by username "Twin Williams", messaged "Millz Mendez" the following: "1 big 45 \$350 3 lil 45s \$350 2 9a \$200", indicating Williams had a large .45 caliber firearm for sale for \$350, 3 smaller .45 caliber firearms for sale for \$350 each, and two 9mm firearms for sale for \$200 each. Williams attached photographs of Armscor of the Philippines handguns, which appeared to be the same make and models as firearms stolen from Yellow Freight on or about March 1, 2022.

¹ As set forth below, investigators have determined that the Facebook account "Millz Mendez" is the Facebook account of Malyk MENDEZ.



03/04/2022 11:44:12	100010728394763	Twin Williams	1 big 45 \$350 3 lil 45s \$350 2 9s \$200
03/04/2022 11:49:16	100024395229484	Millz Mendez	Wut da 9s look like
03/04/2022 11:59:13	100010728394763	Twin Williams	You sent a photo.  attachments/0610270117.jpg

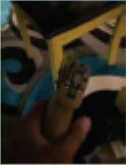
Date/Time	Sender ID	Sender Name	Message
03/04/2022 11:59:32	100010728394763	Twin Williams	45 and 9 look lik this
03/04/2022 11:59:38	100024395229484	Millz Mendez	Ooohhhh wtf is that
03/04/2022 11:59:40	100010728394763	Twin Williams	You sent a photo.  attachments/0610300178.jpg

15. “Millz Mendez” messaged Williams back, stating that “Millz Mendez” knows people looking to buy firearms. Williams then messaged “Millz Mendez” explaining that Williams was selling the guns cheaply because they were stolen. Specifically, Williams told “Millz Mendez” the following: “I’m lettin em go cheap my dude ran out of the gun store wit em n give me them Cus he owe money so sum of em ain’t got clips”. From my training and experience, I know that “Ran out of the gun store wit em” means that Williams was telling “Millz Mendez” the firearms were stolen from a gun store. Although the firearms were in fact stolen from Yellow Freight shipping, “Millz Mendez” knew the firearms had been stolen.

34018	03/04/2022 11:59:58	100010728394763	Twin Williams	Baby 45
34019	03/04/2022 12:01:01	100024395229484	Millz Mendez	I'm tryna see wit yos look like
34020	03/04/2022 12:01:13	100024395229484	Millz Mendez	Ik a few people lookin for some shit right now
34021	03/04/2022 12:02:02	100010728394763	Twin Williams	I'm lettin em go cheap my dude ran out the gun store wit em n giv me them Cus he owe me money so sum of em ain't got clips
34022	03/04/2022 12:05:27	100024395229484	Millz Mendez	I got a bunch of clips for 9s.... Standards & 30s but they for glocks

16. On March 8, 2022, Williams sent “Millz Mendez” photographs of what investigators believe to be stolen Sig Sauer firearms, still in factory packaging. These firearms appeared to be the same make and model as Sig Sauers that were stolen from Yellow Freight on or about March 7, 2022. Williams told “Millz Mendez” he had nine firearms to sell, writing as follows: “Silly I got 9 of em”. “Millz Mendez” then sent a message to Williams indicating that “Millz Mendez” was attempting to arrange the sale of the firearms, “Ahh yea I’m bout to get em gone for u”.

03/08/2022 08:43:30	100010728394763	Twin Williams	<p>You sent 3 photos.</p>  <p>attachments/0610269928.jpg</p>  <p>attachments/0610270090.jpg</p>
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Date/Time	Sender ID	Sender Name	Message
			 <p>attachments/0610270145.jpg</p>
03/08/2022 08:43:42	100010728394763	Twin Williams	420 no shorts family
03/08/2022 08:45:05	100024395229484	Millz Mendez	I damn near want that
03/08/2022 08:45:30	100010728394763	Twin Williams	Silly I got 9 of em
03/08/2022 08:45:56	100024395229484	Millz Mendez	Ahh yea I'm bout to get em gone for u
03/08/2022 08:46:10	100010728394763	Twin Williams	<p>You:</p>  <p>attachments/0041046299.png</p>

17. Williams also sent “Millz Mendez” photos of Sig Sauer handguns with original factory tags and contained in plastic factory wrapping that appear to be firearms stolen from Yellow Freight.

03/08/2022 08:54:23	100024395229484	Millz Mendez	It's a Sig P320 ??
03/08/2022 08:55:23	100010728394763	Twin Williams	You sent a photo.  attachments/0610270084.jpg

18. Additional messages sent by “Millz Mendez” indicate that “Millz Mendez” was acting as a middleman to arrange for someone to buy three or four of the firearms; in some of these messages, “Millz Mendez” and Williams discussed firearms pricing. For example, on March 8, 2022, Williams wrote to “Millz Mendez” to give him a “band”, meaning \$1,000.00, for three of the Sig Sauer pistols. According to www.guns.com, a Sig Sauer P320 M18 pistol retails for \$649.99. Williams was attempting to sell the obviously brand new Sig Sauer P320 M18 pistols for approximately \$333.33 a piece, well under retail pricing, which leads a reasonable person to believe the firearms would be stolen.

03/08/2022 09:09:19	100024395229484	Millz Mendez	Bro my nigga said how much if he grabs 3
03/08/2022 09:10:10	100010728394763	Twin Williams	Giv me a band
03/08/2022 09:10:19	100024395229484	Millz Mendez	Ok
03/08/2022 09:12:08	100024395229484	Millz Mendez	Waiting for him to get back wit me
03/08/2022 09:14:07	100024395229484	Millz Mendez	He said how much for 4

19. On March 25, 2022, Williams sent a photograph to “Millz Mendez” of what appears to be a FN, model 509C NMS FDE/FD handgun in factory packaging and wrapping. This appears to be the same handgun(s) that were stolen from Yellow Freight on or around March 24, 2022. “Millz Mendez” replied, “How much for em?” Williams responded, “Idk gotta em 1st”, and then, “5” indicating that Williams did not have the FN handguns, but would sell them for \$500.00 when he acquired them. Later that day, “Millz Mendez” asked, “Could u bring me one”. Williams later sent a message, “Call yo dude tell him I got 62 for 28 bands”, meaning that Williams had 62 FN model 509C NMS FDE/FD handguns and would sell them for \$28,000.00. Investigators know that “bands” is street terminology/slang for \$1,000.00. According to www.fnamerica.com, FN 509 Compact FDE pistols retail for \$754.00. Williams is selling the firearms for \$500, or \$451 a piece if all 62 are purchased, which is well under retail pricing for new FN 509C pistols and would lead a reasonable person to believe the firearms are stolen.

23313	03/25/2022 00:56:10	100010728394763	Twin Williams	Twin sent a photo. 		Pertinent
Session	Date/Time	Sender ID	Sender Name	Message	Translation	Flag
23314	03/25/2022 01:01:28	100024395229484	Millz Mendez	attachments/0610310280.jpg How much for em?		Pertinent
23315	03/25/2022 01:03:07	100010728394763	Twin Williams	Idk gotta em 1st		Pertinent
23316	03/25/2022 01:04:27	100024395229484	Millz Mendez	Ok		Pertinent
23317	03/25/2022 01:10:05	100024395229484	Millz Mendez	Dat mf look Gud tho		Pertinent
23318	03/25/2022 13:34:27	100010728394763	Twin Williams	5		Pertinent

23322	03/25/2022 19:32:56	100024395229484	Millz Mendez	Could u bring me one		Pertinent
23323	03/25/2022 19:47:36	100010728394763	Twin Williams	Call yo dude tell him I got 62 for 28 bands		Pertinent
23324	03/25/2022 19:47:59	100024395229484	Millz Mendez	U got 62 of em		Pertinent
23325	03/25/2022 19:48:06	100010728394763	Twin Williams	Yup		Pertinent
23326	03/25/2022 19:53:40	100024395229484	Millz Mendez	Goddamn ok		Pertinent

20. On March 28, 2022, “Millz Mendez” attempted to call Williams. Less than a minute later “Millz Mendez” sent Williams a message, “aye did my nigga call u?” Williams replied, “Witch one”. “Millz Mendez” replied, “Big dude”, and then, “said he tryna grab 40 of em”. Investigators believe that “40” refers to some of the FN, model 509C NMS FDE/FD handguns that were stolen from Yellow Freight on or around March 24, 2022. Based on the messages, “Millz Mendez” had a person, “Big dude”, that wanted to purchase 40 FN handguns from Williams.

23396	03/28/2022 15:58:58	100024395229484	Millz Mendez	Twin missed your call.		Pertinent
Session	Date/Time	Sender ID	Sender Name	Message	Translation	Flag
23397	03/28/2022 15:59:16	100024395229484	Millz Mendez	aye did my nigga call u?		Pertinent
23398	03/28/2022 15:59:33	100010728394763	Twin Williams	Witch one		Pertinent
23399	03/28/2022 16:00:03	100024395229484	Millz Mendez	Big dude		Pertinent
23400	03/28/2022 16:00:35	100024395229484	Millz Mendez	Said he tryna grab 40 of em		Pertinent

21. On May 11, 2023, law enforcement obtained a federal search warrant for “Millz Mendez”’s Facebook, user ID 100010728394763, under cause number 1:23-mj-0373-MG. Law enforcement was able to identify the user of Facebook account, “Millz Mendez” as Malyk MENDEZ. Later returns from that search warrant showed numerous photographs of firearms on







MENDEZ's account. Furthermore, the search warrant return showed MENDEZ was using Facebook to sell firearms, some of which were the same make and model as firearms taken in the Yellow Freight shipments. The examination of MENDEZ's Facebook messages confirmed that Malyk MENDEZ and Bruce Williams were working together to sell the stolen firearms from Yellow Freight.








22. A review of MENDEZ's Facebook messages showed a conversation between MENDEZ and an individual using the name "Bighommie Twotimes" regarding stolen firearms. For example, on March 9, 2022, MENDEZ, who went by the username "Millz Mendez", messaged Bighommie Twotimes a photograph of what appears to be an Armscor of the Philippines 1911 Pistol. Moreover, the pistol appears to have the factory chamber block still in chamber. This pistol appears to be the same make and model as some of the firearms stolen from Yellow Freight on or around March 1, 2022. MENDEZ followed up two minutes later with a phone call to Bighommie Twotimes. The next messages from MENDEZ to Bighommie Twotimes, sent a little over two hours later, stated, "He's pulling in bro", and, "He's in a black car". These messages indicate that MENDEZ was describing to Bighommie Twotimes the person bringing the firearm, and a description of the car they were driving to facilitate the sale of the pictured firearm.

15888	03/09/2022 16:01:23	100024395229484	Millz Mendez	You sent a photo.  attachments/0619012588.jpg	Pertinent
15889	03/09/2022 16:03:03	100024395229484	Millz Mendez	You called Bighommie. Missed [false] Duration [128]	Pertinent
15890	03/09/2022 18:09:09	100024395229484	Millz Mendez	He's pulling in bro	Pertinent
15891	03/09/2022 18:13:59	100024395229484	Millz Mendez	He's in a black car	Pertinent

23. On March 25, 2022, the same day the Yellow Freight FN shipment arrived partially missing in Edwardsville, Illinois, MENDEZ sent a photograph of an FN model FDE FN 509C pistol in what appears to be factory packaging. This is the same make, model and color of handguns stolen from Yellow Freight on March 24, 2022. MENDEZ then sent the message “Tomorrow”, leading investigators to believe that MENDEZ will have FN model FDE FN 509C pistol(s) available for sale the next day. Bighommie Twotimes then asked MENDEZ, “How much” and MENDEZ responded, “Don’t know yet”. Bighommie Twotimes told MENDEZ, “I got the 45”, leading investigators to believe Bighommie Twotimes had purchased the Armscor of the Philippines 1911 .45 caliber handgun mentioned above that MENDEZ had facilitated the sale of. MENDEZ then said, “They’ll be in in the morning,” and later stated, “Goin for 5” (indicating the FN model FDE FN 509C handguns are being sold for \$500.00).

	19:38:55		Mendez			
15900	03/25/2022 01:06:38	100024395229484	Millz Mendez	You sent a photo.  attachments/0619012519.jpg		Pertinent
15901	03/25/2022 01:06:39	100024395229484	Millz Mendez	Tomorrow		Pertinent
15902	03/25/2022 01:07:37	100013898148237	Bighommie Twotimes	How much		Pertinent
15903	03/25/2022 01:07:48	100024395229484	Millz Mendez	Don't know yet		Pertinent
15904	03/25/2022 01:07:48	100013898148237	Bighommie Twotimes	He gone more In tomorrow		Pertinent
15905	03/25/2022 01:07:59	100013898148237	Bighommie Twotimes	I got the 45		Pertinent

15906	03/25/2022 01:08:10	100024395229484	Millz Mendez	They'll be in in the morning		 Pertinent
15907	03/25/2022 01:08:18	100024395229484	Millz Mendez	.45 FN?		 Pertinent
15908	03/25/2022 01:09:25	100013898148237	Bighommie Twotimes	Yes sir		 Pertinent
15909	03/25/2022 01:10:26	100024395229484	Millz Mendez	Omm		 Pertinent
15910	03/25/2022 01:10:53	100024395229484	Millz Mendez	Ima definitely let u know soon as they touch down		 Pertinent
15911	03/25/2022 13:35:31	100024395229484	Millz Mendez	Goin for 5		 Pertinent

15922	03/26/2022 10:48:18	100013898148237	Bighommie Twotimes	What he got today		 Pertinent
15923	03/26/2022 10:48:27	100024395229484	Millz Mendez	Ima see wut he talkin bout.. ik he only got 4		 Pertinent
15924	03/26/2022 10:49:00	100024395229484	Millz Mendez	The FNs		 Pertinent
15925	03/26/2022 10:49:04	100013898148237	Bighommie Twotimes	Damn		 Pertinent
15926	03/26/2022 10:49:12	100013898148237	Bighommie Twotimes	How many fns		 Pertinent
15927	03/26/2022 10:49:42	100024395229484	Millz Mendez	He supposed to get some more shit today I just don't know wut yet		 Pertinent
15928	03/26/2022 10:56:04	100024395229484	Millz Mendez	62		 Pertinent
15929	03/26/2022 17:01:18	100024395229484	Millz Mendez	Hmu asap		 Pertinent

24. Based on a review of the above messaging and numerous other similar conversations with individuals on Facebook, MENDEZ was engaged in an ongoing conspiracy to assist Williams in either selling or facilitate the sale of firearms and stolen firearms from Yellow Freight.

25. TFO McDaniel has been involved in numerous investigations involving the illegal possession, sale, and thefts of firearms. These investigations have included both domestic and international firearms trafficking cases. Based on my training and experience, I have learned that

individuals involved in trafficking, either as buyers, sellers, or brokers, can recognize that clearly new firearms offered for sale, especially in bulk, indicate to those individuals that the firearms have been stolen or otherwise illegally procured. I believe that based on a review of the communications and photographs between MENDEZ and others, especially Williams and MENDEZ, MENDEZ was aware that he (MENDEZ) was involved in the possession and sale of stolen firearms.

26. The firearms stolen from Yellow Freight were being transported in interstate commerce and affected interstate commerce.

III. CONCLUSION

27. Based on the facts set forth in this affidavit, your Affiant submits that probable cause exists that beginning on March 4, 2022, in the Southern District of Indiana, Malyk MENDEZ committed the offense of conspiracy to receive, possess, store, or sell stolen firearms in violation of Title 18 U.S.C. §§ 922(j) and 371. I respectfully request this Court issue a Criminal Complaint for Grant accordingly, along with a warrant for his arrest.

s/ David B. McDaniel
David B. McDaniel, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn to me, pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3), by reliable electronic means.

Date: October 6, 2023

